

**REMARKS**

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claim 1-20 were pending prior to the Office Action. Claims 21-26 have been added by this Reply. Therefore, claims 1-26 are pending. Claims 1, 11, 21, and 24 are independent.

**Information Disclosure Statement**

In the Office Action, the Information Disclosure Statement ("IDS") – filed on January 19, 2001 – was objected to for allegedly failing to comply with 37 CFR 1.98(a)(2). However, no line of reasoning has been provided as to the basis of this conclusion, i.e., the Office Action did not meet the *prima facie* burden.

Applicants note that the portions of the documents which caused them to be filed along with a concise explanation of their relevance, was provided in the IDS. See *IDS*, pages 1 and 2. In the Office Action, there was no explanation, other than the mere assertion made, why the IDS fails to comply.

Applicants respectfully request that the documents submitted be considered. If the objection is maintained, Applicants respectfully request that a line of reasoning be provided as well as any corrective actions that may be taken.

### **35 U.S.C. §102 Rejection Based on Ilg**

Claims 1-4, 6-18, and 20 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Ilg et al. (USPN 4,829,297) ("Ilg"). Applicant respectfully traverses.

For a Section 102 rejection to be valid, the cited reference must teach or suggest each and every claimed element. See *M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection must fail.

In this instance, Ilg fails to teach or suggest each and every claimed element of the claims. For example, independent claim 1 recites, *inter alia*, "the primary station ... configured for sending the synchronization request simultaneously to the plurality of the secondary stations." *Emphasis added.* Independent claim 16 recites a similar feature. Ilg fails to teach or suggest at least this feature. Indeed, Ilg teaches quite the opposite.

First, Ilg is silent regarding sending any type of synchronization request from the programmable controller 40 (allegedly equivalent to the primary station as claimed) to the remote stations 10-13 and 15-20 (allegedly equivalent to the secondary stations as claimed).

Second, Ilg is directed to sequentially polling remote stations assigned to one of two groups – fast and slow. See *column 5, lines 15-19*. The stations in the fast group send priority data and thus are polled more often than the stations in the slow group. See *column 5, lines 23-29*. In general, the stations in the slow group are polled individually and responded to until an interrupt occurs, at which point the fast group

stations are polled and responded to. After completion of the fast group polling, polling of the slow group stations is resumed. See *column 5, lines 30-52.*

The polling and responding are the same for either the slow station or the fast station. See *column 5, lines 47-49.* In the polling routines, a particular station is polled. If the data is received from that station, the main controller acts upon the data. If the data is not received, that station is put on inactive status. The next station is not polled until the activity related to the current station is completed. See *Figures 6A, 6B, and 8, and corresponding descriptions.* In other words, at any given moment of time, only one station is being dealt with – there is no simultaneous transmission of any kind to multiple stations.

It is clear that IIg does not teach or suggest a primary station configured for sending the synchronization request simultaneously to a plurality of the secondary stations as recited above. Therefore, independent claims 1 and 16 are distinguishable over IIg for at least the above-stated reasons.

Independent claim 11 recites, *inter alia*, "a primary station configured for sending a refresh request and a polling request in a specific order without having each secondary station address in determined time." It is noted that IIg discloses maintaining a table of both the fast and slow groups of stations, and the table is used to determine the stations to be polled. Clearly, the table is maintained outside of any predetermined time. Thus, IIg cannot teach or suggest the above feature recited in claim 11.

Therefore, independent claim 11 is distinguishable over IIg for at least the reasons stated above.

Claims 2-4, 6-10, 12-18, and 20 depend from independent claims 1, 11, and 16 directly or indirectly. Therefore, for at least the reasons stated with respect to claims 1, 11, and 16, claims 2-4, 6-10, 12-18, and 20 are also distinguishable over IIg.

In addition, contrary to the assertion made in the Office Action, IIg provides no description of the capabilities of the remote stations other than being able to respond to the polling request of the program controller. Therefore, IIg cannot teach or suggest "the secondary station responds in a response frame of a compact type by using flag code which is different from a flag code of the primary system" as recited in claim 4, "the secondary station ... monitoring ... a response from another secondary station" as recited in claim 12, "the secondary station has a monitoring responder" as recited in claim 13, "wherein the primary station provides a field ... the secondary station stops a normal refresh response based on the field" as recited in claim 14, and "responding in a response frame of a compact type from the secondary station by using a flag code which is different from a flag code of the primary station" as recited in claim 18.

Applicants respectfully request that the rejection of claims 1-4, 6-18, and 20, based on IIg, be withdrawn.

### **35 U.S.C. §103 Rejection Based on Ilg and Davis**

Claims 5 and 19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ilg in view of Davis et al. (USPN 4,363,093) ("Cleveland"). Applicants respectfully traverse.

For a Section 103 rejection to be valid, a *prima facie* case of obviousness must be established. See *M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection must fail.

In this instance, Ilg fails to teach or suggest each and every claimed element of the rejected claims. For example, independent claim 1 recites, *inter alia*, "the primary station ... configured for sending the synchronization request simultaneously to the plurality of the secondary stations." *Emphasis added.* Independent claim 16 recites a similar feature.

It has been shown above that Ilg fails to teach or suggest at least this feature. Davis has not been relied upon to correct at least this deficiency of Ilg. Therefore, for at least these reasons, independent claims 1 and 16 are distinguishable over the combination of Ilg and Davis.

Claims 5 and 19 depend from independent claims 1 and 16, respectively. Therefore, for at least the reasons stated with respect to claims 1 and 16, claims 5 and 19 are also distinguishable over the combination of Ilg and Davis.

Serial No. 09/764,299  
Docket No. 2565-221P  
Page 15

contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1. 17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:

Michael K. Mutter  
Reg. No. 29,680

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

**2565-0221P**  
MKM/HNS/kmr/rk